IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE SW'S Windsor Mill Road, 320' W of the c/l of Third Avenue (7107 Windsor Mill Road)

* DEPUTY ZUNING COMMISSIONER * OF BALTIMORE COUNTY 2nd Election District 2nd Councilmanic District

* Case No. 94-238-X Gabrie! Fantelis, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception filed by the owners of the subject property Gabriel and Elaine Pantelis, and the Contract Lessee, Penn Advertising of Baltimore, Inc., by Fred M. Lauer, Esquire, and Donna H. Lorber. The Petitioners seek a special exception to erect a 12' x 25' illuminated, outdoor advertising sign on the subject property, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Fred M. Lauet, Esquire, and Donna H. Lorber, Real Estate Manager for Penn Advertising, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 7107 Windsor Mill Road, consists of a gross area of 1.28 acres, more or less, zoned B.L. and is improved with a one-story masonry restaurant. The Petitioners have entered into a contract to lease a portion of the subject site to Penn Advertising, Inc. for the purpose of erecting a 12' x 25' illuminated advertising sign in the location shown on Petitioner's Exhibit 1. Testimony and evidence presented indicated that the proposed use of this property meets the special exception requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and that all other requirements imposed by the B.C.Z.R. for this type of sign will be met.

Furthermore, the testimony presented indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general weltare of the locality, nor lend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

> THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\frac{7^{1/2}}{2}$ day of February, 1994 that the Petition for Special Exception to erect a 12' x 25' illuminated, outdoor advertising sign on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> > 1) The Petitioners may apply for their building/sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> > > TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

Windsor Blvd, E/L, N/O Windsor Mill Road E/F

which is presently zoned

Bl This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

ONE (1) 12' x 25', ILLUMINATED DOUBLE FACE ADVERTISING SIGN STRUCTURE, PER SECTION

hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Penn Advertising of Baltimore, Inc. Baltimore, Maryland 21211 38 Haddington Road 321-6985 Lutiverville, Maryland 21093
City State Zipcode ame, Address and phone number of legal owner, contract purchaser or representative 94-238-X

ZONING DESCRIPTION PENN ADVERTISING 7107 WINDSOR MILL ROAD

BEGINNING FOR THE SAME AT A POINT ON THE SOUTHWEST SIDE OF WINDSOR MILL ROAD, 60 FT. WIDE, 320 FT. MORE OR LESS WEST OF THE CENTERLINE OF THIRD AVENUE; THENCE LEAVING SAID RIGHT-OF-WAY OF WINDSOR MILL ROAD AND RUNNING SOUTH 38 DEGREES 13 MINUTES 16 SECONDS WEST 281.37 FEET; TO A POINT ON THE NORTHERN SIDE OF WINDSOR BLVD., 70 FEET WIDE; THENCE BINDING ALONG SAID ROAD SOUTH 78 DEGREES 38 MINUTES 20 SECONDS WEST 30.89 FEET; THENCE LEAVING SAID ROAD AND RUNNING NORTH 52 DEGREES 51 MINUTES 15 SECONDS WEST 147.16 FEET; THENCE NORTH 38 DEGREES 32 MINUTES 10 SECONDS EAST 312.57 FEET TO THE AFOREMENTIONED SOUTHWEST SIDE OF WINDSOR MILL ROAD; THENCE BINDING ALONG SAID ROAD SOUTH 47 DEGREES 20 MINUTES 50 SECONDS EAST 55.95 FEET; THENCE BY A CURVE TO THE LEFT HAVING A RADIUS OF 730.00 FEET AND A LENGTH OF 109.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 49,660 SQ. FT. OF LAND MORE OR LESS.

DESCR\PENNWIND.SOR



3 DEPARTMENT OF BALTIMORE COUNTY 94-238-X

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Petitioner: Forn Advortising	Cu.	
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CERTIFICATE OF PUBLICATION

Case Number: 94-238-X (Rem 235) 7107 Windsor Mill Road SW/S Windsor Mill Road

THIS IS TO CERTIFY, that the annexed advertisement was published it. THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____successive weeks, the first publication appearing on Dec. 30, 1993

> THE JEFFERSONIAN, Hemilesa LEGAL AD. - TOWSON

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

February 7, 1994

Fred M. Lauer, Esquire Ms. Donna H. Lorber Penn Advertising, Inc. 3001 Remington Avenue Baltimore, Maryland 21211

RE: PETITION FOR SPECIAL EXCEPTION SW/S Windsor Mill Road, 320' W of the c/l of Third Avenue (7107 Windsor Mill Road) 2nd Election District - 2nd Councilmanic District Gabriel Pantelis, et ux - Petitioners Case No. 94-238-X

Dear Mr. Lauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Gabriel Pantelis 38 Haddington Road, Lutherville, Md. 21093

People's Counsel

Zoning Administration of Development Management Peris Advertising - 7107 Windser mill Rd. Item Kunber: 235 050 - Spec. Exception - \$1300.00 050 - Isign - \$1 35.00 \$ 335.05

你就你别性人特征的政

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

CONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Loning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

## PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advert.sing: Potitioners Perso Reception of Balto

position 10 - Uindsor milk Reference PLEASE FORWARD ADVERTISING BILL TO: ADDRESS: Book Remarton Auc Bu to mo 21211 PHONE NUMBER: 235-5520

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY December 30, 1993 Issue - Jeffersonian

Please foward billing to:

Penn Advertising of Baltimore, Inc. 3001 Remington Avenue Baltimore, Maryland 21211 410-235-8820

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Haryland 21204 as follows:

CASE NUMBER: 94-238-X (Item 235) 7107 Windsor Hill Road SW/S Windsor Mill Road, 320' W of c/l Third Avenue 2nd Election District - 2nd Councilmanic Legal Owner(s): Gabriel Pantelis and Elaine Pantelis Lessee: Penn Advertising of Baltimore, Inc.

Special Exception for one 12-foot by 25-foot illuminated double-face advertising sign structure.

HEARING: TUESDAY, JAMUARY 18, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

LAMRENCE E. SCHRIDT ZONTING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

111 West Chesapeake Avenue Towson, MD 21204 DECEMBER 22, 1993



NOTICE OF HEARING

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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-238-X (Item 235) 7107 Windsor Mill Road SW/S Windsor Mill Road, 320' W of c/l Third Avenue 2nd Election District - 2nd Councilmanic Legal Owner(s): Gabriel Pantelis and Elaine Pantelis Lessee: Penn Advertising of Baltimore, Inc. HEARING: TUESDAY, JANUARY 18, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for one 12-foot by 25-foot illuminated double-face advertising sign structure.

Arnold Jablon

cc: Gabriel and Elaine Pantelis Penn Advertising of Baltimore, Inc/Fed Lauer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

11 20.93

Re: Baltimore County Item No.: 4 100 (14 16)

Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Ms. Charlotte Minton

Zoning Administration and Development Management County Office Building

Dear Ms. Minton: This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Let while

DAYID M. JAITSET, BETIME CHIEF

Lohn Contestabile, Chief **Engineering Access Permits** Division

My telephone number is _____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**Baltimore County Government** Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

January 11, 1994

(410) 887-3353

Fred M. Lauer, Esquire 3001 Remington Avenue

Baltimore, Maryland 21211 RE: Case No. 94-238-X, 1tem No.235

Windsor Boulevard E/L., N/O Windsor Mill Road Petition for Special Exception

Dear Mr. Lauer:

Enclosed are copies of comments received from the Office of Planning and Zoning on January 10, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391. Sincerely,

Charlotte Minton

Enclosure

Printed with Soybean Int. on Recycled Paper

**Baltimore County Government** Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

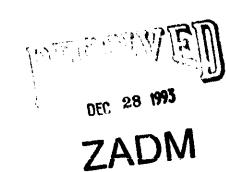
Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: GABRIEL PANTELIS & ELAINE PANTELIS LOCATION: SW/S WINDSOR MILL RD., 320'W OF CENTERLINE THIRD AVE. (7107 WINDSOR MILL RD.) Item No.: 235 (MJK)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.



Zoning Agenda: SPECIAL EXCEPTION

REVIEWER: LT. ROBERT P. SAUERWALD Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

JUN 38

BALTIMORE COUNTY, MARYLAND

**Baltimore County Government** Office of Zoning Administration

and Development Management

January 7, 1994

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans

Enclosed are all comments submitted thus far from the members of ZAC

The following comments are related only to the filing of future

1. The director of Zoning Administration and Development Management

the necessity of a preliminary review by zoning personnel.

has instituted a system whereby seasoned zoning attorneys who

feel that they are capable of filing petitions that comply with

all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without

submitted with the above referenced petition. The attached comments from

each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or

problems with regard to the proposed improvements that may have a bearing

That offer or request information on your petition, If additional

resonance at a contract of each discount of the immediate of the ANA of the second of the second of the second you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 8, 1993,

zoning petitions and are aimed at expediting the petition filing process

(410) 887-3353

111 West Chesapeake Avenue

Fred M. Lauer, Esquire

3001 Remington Avenue

Dear Mr. Lauer:

on this case.

with this office.

Pollimear, Maryland (E211)

RE: Case No. 34-238-X, Item No. 235

and a hearing was scheduled accordingly.

Petition for Special Exception

Petitioner: Gabriel Pantelis, et al

Towson, MD 21204

		INTER-OFFICE	CORRESPONDENCE
TO:	Arnold Jablon, Director	r	

	oning Administration &
υ	evelopment Management
FROM:	Pat Keller, Deputy Director

Office of Planning and Zoning

DATE: December 28, 1993

SUBJECT: 7107 Windsor Mill Road

INFORMATION:

Item Number: 235 Petitioner: Gabriel Pantelis Property Size: Zoning: Requested Action:

SUMMARY OF RECOMMENDATIONS

Hearing Date:

The petitioner requests a Special Exception for an illuminated 12' X 25' outdoor advertising sign.

This office recognizes that high standards for signs enhance the esthetic appearance of the community and the ability of the commercial sector to thrive in an attractive environment.

Staff believes the control of outdoor advertising signs is essential in protecting the health, safety and welfare of the citizens of Baltimiore County. In certain locations, the unique scale and design of outdoor advertising signs clearly compromises public safety, since these signs are distracting. The very purpose of an outdoor advertising sign is to attract the attention of motor vehicle operators in order to convey a commercial message.

The problem of competitive waste is of concern to staff. Excessively large signs serve to encourage some business people to increase signage in order to compete for the attention of passersby.

ZAC.235/PZONE/ZAC1

Pg. 1

The Baltimore County Master Plan makes several references to the importance of controlling signage. On page 74, the following issue is identified:

"The sign regulations need to be completely updated and revised. The regulations should distinguish between new and existing signs, as well as public and private signage. Incentive for ... phasing out nonconforming uses should be evaluated. Compliance with adopted local community plans should also be considered."

The Planning Office recently submitted a staff report to the Planning Board on proposed sign amendments to the Baltimore County Zoning Regulations. This report was developed with the help of an advisory group and input received from a wide spectrum of interest groups. The report, itself, is a direct response to the goals of the Master Plan.

The site on which the applicant proposes to locate the sign is bounded to the south by the Rutherford Business Center and the well maintained residential community of Windsor to the north. While pockets of commercial zoning exist along Windsor Mill Road, there is no appearance of a commercial corridor close to the subject site.

This office believes that outdoor advertising signs are more appropriately located along established commercial corridors where impact to residential communities can be minimized. In the subject case, staff opposes the applicant's request because the sign would have a negative visual impact on this portion of Windsor Mill Road and also on the residential communities located along Windsor Mill Road.

Prepared by:

PK, JU: lw

ZAC.235/PZONE/ZAC1

Pg. 2

NAME

NAME

NAME

NAME

NOTORESS

TOTAL Health Field Rd

Salty, and 21212

94-238-X



PETITIONER'S EXHIBIT NO.2A

94-238-X



PETITIONER'S EXHIBIT NO. 28

